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OFFICE OF PETITIONS

In re Application of :
Steven Teig et al :
Application No. 09/737,245 :
Filed: December 13, 2000 :
Attorney Docket No. SPLX.P0012 :
ON PETITION

This is a decision on the petition, filed July 30, 2004 under 37 CFR 1.181(a) to Withdraw Holding of Abandonment. This is also a decision on the petition filed June 6, 2003, and supplemented on July 30, 2004, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition under 37 CFR 1.181(a) is **GRANTED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The application was held abandoned for failure to timely reply to the non-final Office action mailed on December 4, 2002.

The petition states that a timely reply was received in the USPTO on March 10, 2003, with a (Certificate of Mail Date, March 4, 2003). To support this assertion, the petitioner has submitted a copy of the postcard receipt showing the receipt stamp date of March 10, 2003, in the USPTO with a certificate of mail date of March 4, 2003.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

As to the petition under 37 CFR 1.137(b):

USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center Art Unit 2825 for examination in due course.



Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request